

# **The Kentucky State Board for Proprietary Education**

**May 20, 2011**

A regular meeting of the Kentucky State Board for Proprietary Education was conducted on May 20, 2011 at the Office of Occupations and Professions, in Frankfort, Kentucky.

<b><u>Members Present</u></b> Bill Johnson, Chair Jan Gordon Gunvant Shah Mike Powers Dr. Meade Lois Weaver David Keene Glen Wilham Alison Cuentas  <b><u>Members Absent</u></b> Vivian Nash	<b><u>Occupations and Professions Personnel</u></b> Lindsey Lane, Board Administrator Shannon Tivitt, Executive Director  <b><u>Others</u></b> Brenda Allen, Board Counsel Capt. Fred Williams, Kentucky State Police Trisha Mullins, Medical Career Training Center Kristi Bertrand, Medical Career Training Center Cindy Landry, ATA College Kim Danisen, Medical Career Training Center Debby Carter, Truck America Training Buddy Boyd, Delta Career Academy Cindi Alexander, Lake Cumberland CDL Jeremy Meade, Medical Institute of KY Greg Goins, Medical Institute of KY John Keller, Medical Institute of KY
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Chairman Bill Johnson called the meeting to order at 11:03am.

## **Approval of Minutes**

Minutes of the April 15, 2011 meeting were presented for the Board's review. Mr. Powers made a motion to approve the minutes as presented. Ms. Weaver seconded that motion and it carried unanimously.

## **Approval of Financial Statements**

The financial statement for the month ending April 30, 2011 was presented for the Board's review. Mr. Powers made a motion to approve the financial statement. Mr. Wilham seconded that motion and it carried unanimously.

### **Licensure Status Report**

The Board reviewed the Licensure Report for the month ending April 30, 2011. The report showed there are currently 135 Resident Schools and 30 Non-Resident Schools for a total of 165 Licensed Schools. There are also 169 School Agents and 47 CDL Instructors licensed by the Board. Ms. Lane informed the Board out of the 165 Licensed Schools 17 of those are Commercial Drivers License Training Schools.

### **Executive Director Report**

Ms. Tivitt introduced Brenda Allen of Allen Law Office to the Board. Ms. Allen will serve as the Board's Counsel. Ms. Tivitt explained with the end of the Fiscal Year around the corner the Board should start focusing on FY 2012. Ms. Tivitt explained that the Board would need to look at a five percent reduction. The Board holds two contracts, one with the Kentucky State Police, and one with Board Investigator Tom Barron of 21<sup>st</sup> Management. Both contracts have been presented to the Board and shown a request for a voluntary 5% reduction.

Ms. Tivitt discussed the audit with the Board. The audit showed nine findings with thirty six recommendations. Ms. Tivitt explained she is currently working with others in the cabinet on how to handle all recommendations. Mr. Wilham made a motion to form a committee that will work with Ms. Tivitt and other cabinet officials on overseeing the audit recommendations. Mr. Keene seconded that motion and it carried unanimously.

Ms. Tivitt discussed the upcoming hearing with the Interim Joint Committee on Licensing and Occupations. The hearing will take place on June 10, 2011 and Board Member David Keene will speak on behalf of the Board. The Auditor's Office, and the Office of the Attorney General will also speak at the hearing. All Board Members attendance is requested.

### **Board Administrator Report**

Ms. Lane informed the Board of all actions that she had taken since the April 15, 2011 meeting. Ms. Lane sent a Resident School Deferred letter to Medical Career Training Center located in Richmond, Kentucky. Their deferral letter was sent due to proof of Surety Bond, a Financial Statement, and Fire Inspection missing from their application. The school will also be required to receive a site visit from the Board Investigator before the Board approves their application. Ms. Lane also sent a Change of Location Deferred letter to Healthcare Training School located in Bardstown, Kentucky. The school still needs to submit a Floor Plan, a Fire and Safety Inspection, Certificate of Occupancy, and receive a site visit from the Board Investigator before the Board will approve their application. Ms. Lane also sent acknowledgement letters to the following schools for their Notification to Change an Existing Program for Less than 25%:

Spencerian College in Lexington, Kentucky, Brown Mackie College in Hopkinsville, Kentucky, and Lincoln College of Technology in Florence, Kentucky.

Out of five Decker College transcript requests Ms. Lane was able to fulfill all five requests.

### **Board Counsel Report**

Ms. Brenda Allen, Board Counsel spoke with the Board regarding some pending issues that she'd like to begin working on. There are currently two complaint cases that she would like to review before the Board makes a final decision. Ms. Allen would also like to speak with the Board about current Laws and Regulations and would like the Board to consider making some revisions.

### **Board Chair**

Mr. Johnson did not have anything to report.

### **New Schools / Programs Committee**

#### **Application for a Resident School**

Mr. Powers made a motion to defer the application for a Resident School submitted by Medical Career Training Center located in Richmond, Kentucky. Mr. Wilham seconded that motion and it carried. Dr. Meade, and Ms. Gordon recused themselves. The Board will review this application again at the June meeting.

Mr. Shah made a motion to approve the Resident School Application for Right Choice Health Care Training Institute in Louisville, Kentucky pending a site visit from the Board Investigator. Mr. Keene seconded that motion and it carried.

#### **Application for Non-Resident School**

Mr. Powers made a motion to approve the application for Non-Resident School from Johns Casablanca's Modeling and Career Center located in Cincinnati, Ohio pending a site visit from the Board Investigator. Dr. Meade seconded that motion and it carried. The committee informed Ms. Lane that the school should receive a refund for the New Program Applications that they submitted with their new application. Those new programs were already covered under the application fee that the school submitted.

#### **Application to Change the Location of a School**

Ms. Gordon made a motion to defer the application to Change the Location of a School submitted by Healthcare Training School located in Bardstown, Kentucky. The school still needs

to submit a scaled floor plan. When reviewing the Board Investigators notes from the site visit the committee noticed the school can only hold a class size of ten. The committee asked Ms. Lane to request an average class size number from the school. The Board will review the application again in the June meeting if all information has been submitted. Mr. Shah seconded that motion and it carried.

#### Application to Award an Associate Degree

Mr. Shah made a motion to defer the Application to Award and Associate Degree from WyoTech, located in Ormond Beach, Florida until legal counsel can determine how this school would receive approval without a site visit since they are located outside of the state. Mr. Powers seconded that motion and it carried. The Board will review this application again in the June meeting.

#### Application to Change the Name of a School

Mr. Shah made a motion to approve the Application to Change the Name of a School submitted by ABLE Incorporated which will now go under the name of ExamFX. Dr. Meade seconded the motion and it carried.

#### Application for a New Program

Dr. Meade made a motion to defer the Application for a New Program submitted by WebCE, located in Richardson, Texas until the June meeting. WebCE's application was missing exhibit C that is required for a complete application. Mr. Powers seconded that motion and it carried.

Dr. Meade made a motion to approve the Application for a New Program submitted by Century Real Estate School, located in Louisville, Kentucky. Ms. Cuentas seconded that motion and it carried.

Dr. Meade made a motion to approve the Application for a New Program submitted by Evidence in Motion, located in Louisville, Kentucky. Ms. Weaver seconded that motion and it carried.

Dr. Meade made a motion to approve another Application for a New Program submitted by Evidence in Motion, located in Louisville, Kentucky. Ms. Weaver seconded that motion and it carried.

#### Application to Transfer Ownership of a School

Dr. Meade made a motion to defer the Application to Transfer Ownership of a School submitted by the Institute for Continuing Education, Inc., located in Woodstock, Illinois. In order to have a complete application the school still needs to submit the fee, a new bond with

the correct information, exhibit D, E, and F, as well as a proof of transfer. Ms. Weaver seconded that motion and it carried.

#### Notification to Revise an Existing Program for Less than 25%

Mr. Shah made a motion to acknowledge receipt of the following Notification to Revise an Existing Program at Spencerian College located in Lexington, Kentucky:

- Associate of Applied Science in Architectural, Civil, a Mechanical CADD.

Ms. Cuentas seconded that motion and it carried. Ms. Gordon and Mr. Keene recused themselves.

Mr. Shah made a motion to acknowledge receipt of the following Notification to Revise an Existing Program at Lexington Healing Arts Academy located in Lexington, Kentucky:

- Massage Therapy

Ms. Cuentas seconded that motion and it carried unanimously.

Mr. Shah made a motion to acknowledge receipt of the following Notification to Revise an Existing Program at Spencerian College located in Louisville, Kentucky:

- Radiologic Technology

Ms. Cuentas seconded that motion and it carried. Ms. Gordon and Mr. Keene recused themselves.

#### Review of PE-11 Forms for Instructional Staff & Key Administrative Personnel

Mr. Shah made a motion to accept the PE-11 forms for the following schools:

- Universal Technical Institute – Motorcycle/Marine Mechanics Institute Division
- Spencerian College – Louisville, Kentucky
- Kentucky Datastream Initiative – Louisville, Kentucky
- Lorman Education Services – Eau Claire, WI

Ms. Weaver seconded that motion and it carried. Ms. Gordon and Mr. Keene recused themselves.

### **Commercial Drivers License Committee Report**

Mr. Wilham discussed the current fee structure that all CDL schools use and asked the Board to reconsider this structure since those schools do not have the same amount of students that other Proprietary Schools have. Delta Career Academy was inspected again in their new location. Kentucky State Police found that none of the Instructors had current licenses and would need to request those from Ms. Lane. Ms. Allen, Board Counsel discussed the current CDL Renewal Applications and how they do not match the Regulations. She will begin working on a way to solve this problem with the Board so everything is consistent.

### **Complaint Review Committee Report**

There were no complaints to review at this time. The Complaint Committee has been reviewing all 2011 Renewals for the Board. Ms. Lane was asked to coordinate a day when members of the Board could come in and look over the ones that have still not been reviewed.

### **Investigator Report**

Dr. Barren was not present at the May meeting. There was no Investigator Report.

### **Old Business**

Ms. Tivitt informed the Board that letters to the Decker students that filed claims against the Student Protection Fund were sent out at the end of April. Ms. Tivitt also plans to attend a meeting with the Attorney General's Office regarding Decker files.

Ms. Tivitt discussed the two complaints that are still pending with the Board. She explained that she did not feel comfortable sending dismissal letters out until all information had been received by the Board. Ms. Allen has been reviewing the files and recommended rescinding the dismissal and allowing Ms. Lane to send letters to the two individuals requesting the further information one last time. Mr. Wilham made a motion to rescind the dismissal and have Ms. Lane send final notices out to the students. Dr. Meade seconded that motion and it carried. Ms. Gordon and Mr. Keene recused themselves.

### **New Business**

Ms. Tivitt explained there would be Ethics Training for the Board conducted by the Executive Branch Ethics Commission Personnel for members of all Executive Branch Boards and Commissions. The Board will receive this training during one of their monthly meetings and it will only last fifteen to twenty minutes.

Ms. Tivitt went over the new Personal Service Contracts and explained that each vendor would be facing a five percent reduction. All Boards were asked to include this reduction in their budget for the upcoming fiscal year.

Mr. Wilham brought up having a retreat for all Board Members soon to possibly go over Regulation changes. The Board will be looking at dates in August and September. Ms. Tivitt offered to bring three dates to the June meeting for the Board to vote on.

Ms. Gordon requested the Board send plaques to the two members that went off the Board in the last year thanking them for their service. Ms. Lane will request plaques for Mark Gabis and Lisa Bozarth.

### **Travel and Per Diem**

Ms. Gordon made a motion to approve travel and per diem for all members that attended today's meeting as well as any member that traveled on Board related business since the March meeting. Mr. Wilham seconded that motion and it carried unanimously.

### **Adjournment**

Mr. Wilham made a motion to adjourn the meeting. Ms. Gordon seconded that motion and it carried unanimously.

Meeting adjourned at 1:05pm.